

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

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Master File C.A. No.  
1:00-1898 (SAS)  
MDL 1358

**This Document Refers to:**

*Basso, et al. v. Sunoco, Inc., et al.*, 03 Civ. 9050  
*Tonneson, et al. v. Sunoco, Inc., et al.*, 03 Civ. 8248

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**DEFENDANT EXXON MOBIL CORPORATION'S FIRST SUPPLEMENTAL TRIAL  
EXHIBIT LIST**

In accordance with Federal Rule of Civil Procedure 26(a)(3), Defendant Exxon Mobil Corporation ("ExxonMobil"), by and through its attorneys, McDERMOTT WILL & EMERY LLP, hereby makes the following pre-trial disclosure of trial exhibits which supplements its previous disclosure made September 29, 2008. ExxonMobil expects to offer any or all of the following exhibits, in addition to those identified on September 29, 2008, depending on the proof offered at trial by Plaintiff:

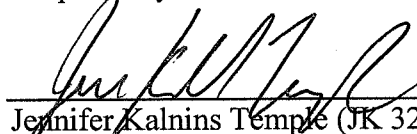
1. Letter from Anthony A. Bongiorno to Duane Miller dated November 12, 2008.
2. USEPA, *Technical Approaches to Characterizing and Cleaning up Brownfields Sites*, EPA/625/R-00/009 (Nov. 2001). [XOM-FORTM-00001 – 00070]
3. USEPA, *Industrial Floor Drains and Groundwater Quality*, EPA 909-F-00-002 (May 2000). [XOM-FORTM-00071 – 00074]
4. Maine Department of Environmental Protection, *Auto Body Environmental Results Program Workbook* (Feb. 2006). [XOM-FORTM-00075 – 00125]
5. Massachusetts, *Auto Body Repair Step-by-Step*. [XOM-FORTM-00126 – 00201]
6. NYSDEC PBS Facility Information Report. [XOM-FORTM-00202]

7. Water Supply Agreement (Aug. 17, 2003). [TOH012194 – 012201]
8. Water Supply Agreement Draft. [TOH025731 – 025736]
9. Letter from G.R. Monroe to J. D'Onofrio (Aug. 24, 2004). [TOH027600]
10. Water Upgrade Agreement. [TOH026694]
11. *"Village Board okays Fort water hook-ups"* (Nov. 12, 2004). [TOH014657]
12. *"Corbin Hill residents complain to Town Board about water, odor, costs"* (Apr. 21, 2006). [TOH016862]
13. Letter from M.I. Mandel to M. Ulrich re: Water District 2 (Sept. 5, 2000). [TOH-07-000464 – 000493]
14. Letter from G.R. Monroe (Jan. 11, 2005). [TOH012292 – 012293]
15. Letter from G.R. Monroe to Trustees and Mayor. [TOH-07-000194]

ExxonMobil reserves its rights to supplement this list in response to any decision or order that subsequently may be issued by the Court, as a result of any additional and/or supplemental expert report that the parties may offer, or as the result of any addition or amendment to any other party's exhibit list that the Court may permit. In addition, ExxonMobil reserves its right to offer into evidence any document identified on a pre-trial exhibit list served or filed by any other party to the above-captioned actions. ExxonMobil reserves its rights to supplement this disclosure and offer additional exhibits up to and including at the time of trial.

Dated: December 10, 2008

Respectfully submitted,

  
Jennifer Kalnins Temple (JK 3274)  
McDERMOTT WILL & EMERY LLP  
18191 Von Karman Avenue, Suite 500  
Irvine, CA 92612-7108  
Tel: (949) 851-0633  
Fax: (949) 851-9348

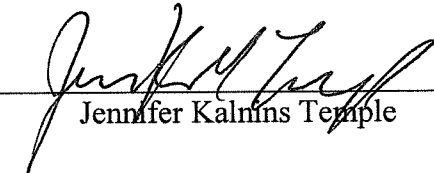
Peter J. Sacripanti (PS 8968)  
James A. Pardo (JP 9018)  
Stephen J. Riccardulli (SR 7784)  
McDERMOTT WILL & EMERY LLP  
340 Madison Avenue  
New York, NY 10173-1922  
Tel: (212) 547-5400  
Fax: (212) 547-5444

Anthony A. Bongiorno (*pro hac vice*)  
McDERMOTT WILL & EMERY LLP  
28 State Street  
Boston, MA 02109-1775

*Attorneys for Exxon Mobil Corporation*

**CERTIFICATE OF SERVICE**

Jennifer Kalnins Temple, pursuant to 28 USC 1746, hereby declares under penalty of perjury, that on the 10th day of December, 2008, I caused DEFENDANT EXXON MOBIL CORPORATION'S FIRST SUPPLEMENTAL TRIAL EXHIBIT LIST to be served on all of the parties in the above captioned matter via Lexis Nexis File and Serve and via email to plaintiff's liaison counsel.

  
Jennifer Kalnins Temple